

REMARKS

This Amendment is submitted in response to the Examiner's Action dated 18 July 2003.

Applicant has amended the specification in order to claim the benefit of priority to a co-pending application, which is commonly owned, and which has an overlap in inventors. Applicant submits that this claim of priority is proper. Applicant further submits that this claim of priority removes the Titmuss et al. reference (USPN 6,397,040) as a reference.

Applicant has not amended claim 1. Applicant submits that it is novel over the known prior art. Applicant has added new Claims 2-10. These claims contain all the limitations of claim 1, but introduce additional features. Applicant submits that these claims are also novel over the known prior art. Applicant respectfully requests allowance of all pending claims.

Applicant encloses a draft substitute declaration which includes the claim of priority. Once the Examiner enters the amendment to the specification, Applicant will have the substitute declaration executed by all inventors and will submit it to the Examiner.

Enclosed is a check in the amount of \$776.00 for the additional claims and fees and a request for a three month extension of time is enclosed herewith. If any additional fees are required please charge that fee to Deposit Account No. 50-1060.

Respectfully submitted,



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ATTORNEY FOR APPLICANT

SUBSTITUTE DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM FOR COLLECTING, ANALYZING, AND TRANSMITTING INFORMATION RELEVANT TO TRANSPORTATION NETWORKS

further identified by Patent Application Serial No. 09/690,046; filed 16 October 2000 and by Attorney Docket No. 0635MH-40860.

This application claims the benefit of priority under 35 USC § 120 to the following co-pending patent applications:

(1) U.S. Patent Application Serial No. 10/369,057 , filed 17 February 2003 which is a continuation of

(a) U.S. Patent Application Serial No. 09/314,321, filed 19 May 1999, entitled "location Enhanced Information Delivery System," now issued as USPN 6,571,279B1, which is a continuation of the following two applications:

(i) U.S. Patent Application Serial No. 09/024,278 filed 17 February 1998; and

(ii) U.S. Patent Application Serial No. 09/985,731, filed on 5 December 1997, now issued as USPN 6,029,195.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to my person to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby declare that this application claims the benefit of U.S. Provisional Patent Application NO. 60/159,772, filed 15 October 1999, titled "System for Collecting, Analyzing, and Transmitting Information Relevant to Transportation Networks."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint **Melvin A. Hunn, Reg. No. 32,574** and **Kenneth C. Hill, Reg. No. 29,650** to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Please send all correspondence to:

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Received in the U.S. Patent & Trademark Office
In Re Application of **FREDERICK S.M. HERZ ET AL**
Serial No. 09/690,046; Filed: 16 OCTOBER 2000

Enclosed:

1. Response to 18 July 2003 Office Action
2. Certificate of Mailing
3. Petition for Extension-Three Month
4. Check in the amount of \$776.00
5. Substitute Declaration
6. Our return postcard which we would appreciate you date stamping and returning to us.

Client: **HERZ TECHNOLOGIES INCORPORATED**

Docket No. 0635MH-40680 *40860*

Mailed: 20 JANUARY 2004

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